

DOCKET NO.: UC 0409 US NA
Application No.: 10/782,357
Office Action Dated: November 30, 2007

FEB 29 2008

Patent

Remarks

The following remarks are responsive to the Examiner's rejection in the Office Action dated November 30, 2007.

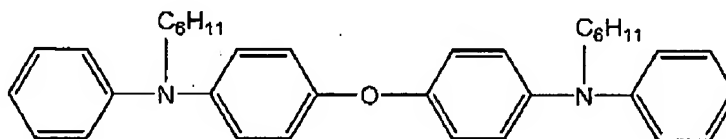
Status of the Claims

Claims 1-25 are pending. Claims 9, 12, 15-17 and 20 stand rejected as anticipated by a reference. Claims 1-23 and 25 stand rejected provisionally on the ground of nonstatutory obviousness-type double patenting. Claim 24 is indicated as allowable and is objected to as being dependent upon a rejected base claim.

Claims Rejections – 35 U.S.C. § 102

Claims 9, 12, 15-17 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tokoli et al., U.S. Patent 4,665,000 ("Tokoli"). Applicants respectfully traverse this rejection.

As pointed to by the Examiner, Tokoli discloses as formula IV, the structure below.



Tokoli further indicates that this is "bis[N-2-cyclohexyl]diphenylamine ethers". This is not the same as Applicants' compound of formula (III) as recited in Claim 9. In Applicants' formula (III), the R¹ group attached to the nitrogen is selected from aryl, heteroaryl, fluoroaryl, and fluoroheteroaryl, which is distinctly different from the *cyclohexyl* group in the compound of Tokoli. There is no teaching or suggestion in Tokoli of Applicants' compound in which both nitrogens are bonded to three aromatic groups.

Applicants respectfully submit that Claim 9 and the claims dependent thereon are not anticipated by Tokoli, and request that this rejection be withdrawn.

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Claim Rejections -- Obviousness-type Double Patenting

Claims 1-23 and 25 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-7 and 9 of copending Application No. 11/093,455 ("455 Application").

Without conceding the merits of the rejections, Applicants file a terminal disclaimer and accompanying statement in the interests of advancing the prosecution.

Claim Objection


Applicants acknowledge, with appreciation, the Examiner's indication that claim 24 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants forbear from amending claim 24 at this time, since Applicants believe that the rejections over Tokoli have been overcome, and that such amendment may prove, in the end, to be unnecessary.

Conclusion

In view of the foregoing remarks, Applicants submit that the above referenced application is in condition for allowance. A Notice of Allowance for the pending claims is earnestly requested.

Should there be any questions about the content of this paper or the status of the application, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,


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